IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 91,875-J)

PATENT

In application of:

McBride and Dean

Serial No. 08/253,973

Filed: June 3, 1994

For: Monoamine, Diamide, Thiol-containing Metal Chelating Agents

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

In response to the notice mailed December 5, 1995, enclosed please find a 3.5" diskette containing a sequence file pursuant to 37 C.F.R. § 1.821. The "Sequence Listing" comprising file 91875-J.seq on this diskette is accompanied by a copy of substitute pages 49-52 of the specification, added by the accompanying Preliminary Amendment and corresponding to the "Sequence Listing" on the diskette submitted in computer readable form. The undersigned attorney hereby attests to the fact that the paper "Sequence Listing" hereby added to the specification as filed by amendment and the computer readable "Sequence Listing" comprising the file on the aforementioned diskette, are the same pursuant to 37 C.F.R. § 1.821(f).

Applicants wish to bring to the Examiner's attention the fact that only a small minority of the instantly-disclosed peptides (9/95) have been submitted in the accompanying Sequence Listing. This is because, as Applicants understand the relevant regulation, the other 86 sequences do not fall within the appropriate regulation. Specifically, 37 C.F.R. §1.821(a) explicitly states:

> "...[A]mino acid sequences...is interpreted to mean an *unbranched* sequence of 4 or more amino acids..." (*emphasis added*).

In this case, all of the other 86 peptide sequences comprise branched-chain amino acid sequences. Specifically, these peptides comprise sequences linked through side-chain functional groups of at least one of the constituent amino acids, as disclosed in the specification:

> "$(\ldots)_2$K represents covalent linkage to both amino groups of lysine...ϵ-K represents a lysine residue in which the ϵ-amino group, rather than the typical α-amino group, is covalently linked to the carboxyl group of the adjacent amino acid to form a peptide bond. δ-Orn represents an ornithine residue in which the δ-amino group, rather than the typical α-amino group, is covalently linked to the carboxyl group of the adjacent amino acid to form a peptide bond. γ-Dab represents a 2,4-diaminobutyric acid residue in which the γ-amino group is covalently linked to the carboxyl group of the adjacent amino acid to form a peptide bond. β-Dap represents a 1,3-diaminopropionic acid residue in which the β-amino group is covalently linked to the carboxyl group of the adjacent amino acid to form a peptide bond." (p. 25, line 32 through p. 26, line 12).

Thus, Applicants respectfully submit that the disclosed peptides not listed in the Sequence Listing submitted herewith are properly excluded under the explicit terms of the regulation. If this belief be in error, Applicants respectfully request that their undersigned representative be notified and given an opportunity to further reply to this Sequence Listing requirement, within any appropriate time limit.

If the Examiner in charge of this application believes it to be helpful, he or she is invited to contact the undersigned by telephone at (312) 715-1000.

Respectfully submitted,
BANNER & ALLEGRETTI, LTD.

Date: January 4, 1996

By: _____
Kevin E. Noonan
Reg. No. 35,303